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N. B. Human Rights Commission

ADHD discrimination complaint dismissed (04/08/19)

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FREDERICTON (CNB) - A New Brunswick human rights Board of Inquiry dismissed a discrimination complaint filed by Bonnie Cudmore, the parent of a student with Attention Deficit Hyperactivity Disorder (ADHD).

"While I am pleased that the board found that people with ADHD are protected under the Human Rights Act, I would have naturally preferred not to have had the case dismissed," Human Rights Commission chair Alanna Palmer said. "The Human Rights Commission will now be studying the decision carefully in order to decide whether to ask the court to review this case."

The Board of Inquiry's decision arose out of a human rights complaint filed by Bonnie Cudmore, the mother of a boy who was diagnosed as having ADHD. She complained that the Department of Education and School District 2 had not provided him enough assistance within the public school system. They had also refused to pay for his education at a private school where he could get the attention, self-esteem programs and specialized help that he needed. She alleged that this constituted discrimination based on mental disability.

In human rights legislation, discrimination is not limited to cases where people are singled out for negative treatment. It also includes the failure to avoid the discriminatory impact of policies and practices. Employers, landlords and service providers have a duty to accommodate the needs of groups that are protected by human rights legislation if they can do so without incurring undue hardship or sacrificing their legitimate objectives.

A Board of Inquiry is an administrative tribunal that can hear complaints filed under the Human Rights Act; it is separate and independent from the Human Rights Commission. The commission investigates and conciliates complaints of discrimination, and may then present them before a Board of Inquiry.

04/08/19

EDITOR'S NOTE: The full text of the decision is available from the Human Rights Commission.
MEDIA CONTACT: Alanna Palmer, Chair, N.B. Human Rights Commission, 1-888-471-2233.

04/08/19